

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, JULY 10, 2000 AT 1:30 P.M.**

The Meeting was called to order at 1:30 p.m. Present: Council Chairperson Shoecraft; Council Members: Camp, Cook, Fortenberry, Johnson, McRoy, Seng; Paul A. Malzer, Jr., City Clerk;  
The Council stood for a moment of silent meditation.

**READING OF THE MINUTES**

FORTENBERRY Having been appointed to read the minutes of the City Council proceedings of July 3, 2000, reported having done so, found same correct.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

**PUBLIC HEARING**

APP. OF LANCE BROWN DBA STUDIO 14 FOR A CLASS I LIQUOR LICENSE AT 1415 "O" ST, - Mike Rierden, 645 M St., Suite 200: Chairman and Members of the Council, Michael Rierden appearing on behalf of the applicant Lance Brown. Lance is here with me here at my right today to answer any questions you have. This matter, as I understand it, has been held over because of some concerns about experience and the operations and that type of thing. I just, I'll go ahead and just address that particular issue and if you have any questions of me relative to anything else I'd be more than glad to handle it. And, of course Lance is here for any questions you might have. I have a number of handouts I'd like to give to you. The first is a resume of Lance Brown and his academic credentials and I think you'll find those very impressive not only was he on the football for 4 or 5 years he graduated with a Masters in Business Administration also a Business Administration degree with a grade point average of 3.76. So, he's gone through the business college and certainly has prepared himself. This has been a longtime dream of his to operate a Studio 14. I've also highlighted some of his civic involvement. He's worked closely with children in the community and on the back pages are more of his academic accomplishments. You can see he was All Big 12 and All Big 8 Academic All American for a number of years. The next handout I'd like to give to you is a letter from Coach Osborne and you can just see that he thinks very highly of Lance in terms of his intelligence and has a good level of self-confidence and is highly motivated. So, I think that speaks well for Lance. The next item I'd like to give to you is a letter from Keith Zimmer who is the Associate Director of Academic Athletic Programs at the University of Nebraska. As you can see Mr. Zimmer, also, speaks very highly of Lance and got to know him well during Lance's term as a football player at the University. The last two items I want to give to you is a document entitled management, it's Lance's management philosophy that he wants to instill or employ with Studio 14 and then the last item is portion of the resume, the I think Lance is to be congratulated on putting together this management philosophy that he is giving to all perspective employees during his employment process in hiring people and you can see that he had touched on a lot of the things such as honesty and any employee that's not found to be honest will be immediately released or discharged. As you can see, he's mentioned in here that this has been his lifelong dream. One of the questions that came up last time was has he had any experience in the bar or restaurant business, and I think that was misunderstood. Lance, I believe, thought he'd, the question was whether he had an ownership in any bar or anything like that in the past and he has not, but he has worked as a bartender specifically to learn the business. He worked at Barry's here in Lincoln and Champs also as a bartender so he does have the experience and he went directly to Mr. Hamilton at Barry's with the idea in mind of trying to learn the business because of his dream to open a Studio 14. The last item is, as you recall, he mentioned at the last hearing he did have somebody on board that was going to provide some guidance and experience and that's Mr. Belino. This has been, in fact I think was Lance's Midget football coach, and you can see Mr. Belino has a great deal of experience in the catering and the bar business, predominately in the Omaha area, but as Lance will tell you he will be present at the operations here in Lincoln to get things moving along. In fact, Lance consults with him on a daily basis and when he's not there he'll be here on an on-call basis. And, the last thing I'd like to bring to your attention is Lance is attempting to employ

people who have experience in the bar business. I think highly of Lance and I would recommend that you would recommend approval to the Nebraska Liquor Control Commission for the application of Studio 14. With that we'd attempt to answer any questions you have.

Cindy Johnson, Council Member: Lance, you're doing just fine as far as it's OK to have silent partners that hold less than 25%, but the thing I want to ask you is, can everybody that you have as a silent partner even though they're less than 25% can they hold a liquor license, are they qualified to hold a liquor license?

Lance Brown, no address given: Actually we did the silent partnership thing because a lot of them are gentlemen that I played with that are now in the NFL and so I didn't really want to bother them with the whole business aspect of it all and so we just did it under my name specifically because I'm really going to be, out of our investors, the only one that will have anything to do with decision making with Studio 14.

Ms. Johnson: Would have the qualifications to hold a liquor license had they ... ?

Mr. Brown: Oh, yeah, yeah, yeah. Well, gentlemen like Joel Makovicka and Chad Kelsey who are All, Academic All American, good honest kids those the types of individuals.

Mr. Rierden: I think I just preface that by saying that I'm sure that they would, they may be qualified as residence of another state at this point and time so they may not meet the residency requirements, but they would meet all other requirements.

Ms. Johnson: Good, Ok, thanks.

This matter was taken under advisement.

MAN. APP. OF KRISTEN K. WORNER FOR SYDRAN FOOD SERVICES III L.P. DBA CHILI'S SOUTHWEST GRILL AT 6730 S. 27TH ST. - Kristen Worner, 3721 Faulkner Dr.: We currently hold a liquor license, I'm just changing over the name on it.

This matter was taken under advisement.

AMENDING SECS. 2.18.020 & 2.18.030 OF THE LMC TO INCREASE THE ALLOWED LIMIT FOR PURCHASE OF SUPPLIES & EQUIPMENT BY DEPARTMENTS WITHOUT UTILIZING THE PURCHASING DIV. & THE PROCESS PROVIDED THEREFOR FROM \$500 TO \$1,500 - Don Herz, Finance Director: Chairman Shoecraft and Members of the Council my name is Don Herz, I'm the Finance Director for the City. I'm here to support the ordinance that would increase this purchasing threshold from 500 to 1,500. The ordinance is being proposed as a way to continue to increase efficiency in the method of purchasing various goods for the City. This \$1,500 dollar increase compares with a \$5,000 threshold for the State of Nebraska and \$1,500 for the University. It's important to know that this ordinance will not drastically increase the amount of goods that are purchased without going through the formal purchasing process. Most of the goods that are purchased by the City are done so through master purchase contracts. For example, office supplies are currently bid through a master contract and we would continue to have to use those master contracts. This ordinance change will allow the Purchasing Dept. to concentrate their efforts on more significant purchases and allow our managers some discretion with the smaller purchases not covered by master contracts. We will require the departments to continue to obtain at least three informal quotes for items less than 41,500. So, that process will still continue. If there's any questions I'd be glad to answer them.

This matter was taken under advisement.

AUTHORIZING A REQUEST BY THE CITY FOR AN EXCEPTION TO THE STATE REQUIREMENT OF MINIMUM LANE WIDTH IN E. "O" ST., 52ND ST. TO WEDGEWOOD DR. - Al Imig, Engineering Services Division of Public Works & Utilities Dept.: I'm here to present a little bit of information on this request and the reasons for it. First of all I'd like to thank you for holding this item over. We had tried to schedule this earlier and for various reasons it didn't get scheduled until last week when I was going to be out of town, so I do appreciate your holding it over. In the memo that was sent with the, in your packet last week it mentioned that this is a procedural item that needs to be done on behalf of the City to present this to the Nebraska Board of Public Roads Classifications and Standards for a relaxation of their minimum design standards. That standard was revised about a year ago to eliminate or to raise the minimum width from 11 feet to the 12 feet, 12 feet in English units, 11.8 feet in metric units as equivalent in metric. So, they did eliminate the 11 foot lane width as the minimum design standard here just within the last year or so is my understanding. What we're asking for now is as a result of the public involvement process we had on this project, O Street from 52nd to Wedgewood, over the past

winter where we had a number of requests to try to minimize the impact of the project. We believe this is a significant step in trying to do that. This will reduce the overall width of the paving, the roadway from curb to curb width which then minimizes the impact on parking lots and proximity to a couple of buildings especially in the 56th and Cotner and O intersection areas. It allows us just that much more clearance and separation between the traffic and those buildings. We have also had a report done that I believe also included the technical memorandum that was prepared by our consultant that tried to identify any correlation between lane widths and traffic accidents. The analysis that was done, I believe on page 7 of that report, indicates that there is no strong correlation between lane width, between 11 foot and 12 foot lane widths anyhow within the City of Lincoln, on the streets that carry the volume of traffic similar to O Street. With this proposal we believe that there will be a significant cost savings, also, to the project. I believe there's something over \$800,000 worth of cost savings that would result from right-of-way acquisition. And, approximately \$300,000 from reduced concrete and construction related items just because of the lesser amount of material that would be needed. With Council approval of this resolution this item is being scheduled for the July 21, 2000 meeting of the Board of Public Roads, Classifications and Standards. So, we would like to have this approved Resolution to show the City's support for this proposal at that meeting. We will be making a similar presentation at that meeting. Also, as I mentioned in my memo that after all of this gets done and some of the plans get revised we will be going back to more public information meetings. We'll be inviting all businesses and property owners to a public meeting and then also follow-up with those that do not attend so that we can review the project with them and the revised impact. Hopefully, in another, by the end of next month, by the end of August we should be in a position to hold those meetings and proceed with the rest of the project. If you have any questions I'd be glad to answer those.

Jonathan Cook, Council Member: I generally am not a stickler for wide lanes so this isn't a problem for me necessarily except in the matter of trucks. I know that the study shows only maybe 1% of the traffic on O Street is truck traffic. What I worry about is, is there any possibility that narrower lanes would cause truck traffic to avoid the street in any way where and perhaps end up on some other street where we don't want them? Clearly Holdrege St. is not appropriate for large truck traffic. Vine Street is not appropriate for large truck traffic. O Street is really it and I don't want to do anything that would discourage use of those streets for those trucks and have them end up some place less appropriate.

Mr. Imig: I don't believe that the 11 foot width would discourage that traffic. There's certainly to get to Vine or Holdrege or even A Street of South Street would be probably out of the way for vehicles, the truck traffic that generally uses O Street. That is generally truck traffic coming through on the highway system and I don't believe we would see those detouring to some of these other parallel arterial streets.

Mr. Cook: Is there ever justification for having on say a street with this many lanes one of the lanes be slightly wider and that be the lane where large vehicles stay or is that never done?

Mr. Imig: I couldn't say that it's never done. I don't know how that would be signed or enforced would be the difficult part of that type of a proposition I think.

Mr. Cook: OK, thanks.

This matter was taken under advisement.

APPROVING THE FISCAL YEAR 2000 ACTION PLAN: ONE YEAR USE OF FUNDS FOR  
CONSOLIDATED PLAN FOR HUD ENTITLEMENT PROGRAMS;

APPROVING THE CONSOLIDATED PLAN FOR FISCAL YEARS 2000-2003 FOR HUD ENTITLEMENT PROGRAMS - Julie Post, Urban Development Dept.: The Urban Development Dept. is the City's administering agency for federal entitlement grants that come down from HUD and there's three entitlement grants we received; Community Development Block Grant funds, HOME funds, and Emergency Shelter Grant funds. The two items before you, I'm going to talk about 6 first because it really is the primary document. It our consolidated plan for these programs for FY 2000 thru 2003. That's a four year plan which will guide the use of about, we estimate about \$15.5 million which we'll receive over the next four years in several areas. These areas are housing, homeless assistance, neighborhood revitalization, economic development, community services and facilities and administration and planning. The document will be, pending your approval of course, will be submitted to HUD in a few days and they have a 45 day (inaudible) and

then we'll go from there. The second item, actually #5, is the action plan which for every year of this plan we have to develop an action plan and that gives a little more definitive picture of what we'll do with our money in the next upcoming year. So, this, the action plan covers about \$3.9 million in funding that we'll receive.

Jeff Fortenberry, Council Member: Are there any new areas of emphasis? Would you continue with the same programming, I guess, hierarchy or ...

Ms. Post: No, it's about the same. Our emphasis is always on housing. We're the only agency that really can devote resources to affordable housing like rehabilitation home ownership assistance. About half of our money is going to be allocated to housing and then the other areas follow after that. It's stayed about the same. There's some new projects we hope to accomplish in the next four years. We want to get a better picture of the City's homeless population. We want to establish a good database on that so we are committing some resources to that. Other than that programs are about the same as when you were on the Task Force. I should add that there's been a public hearing on both of these documents before the Community Development Task Force. That happened in June. And, the Planning Commission has also reviewed this for conformity with the Comprehensive Plan. So, thanks.

This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN BIG RED KENO & RISKY'S SPORTS BAR & GRILL FOR THE OPERATION OF A KENO SATELLITE SITE AT 4680 LEIGHTON AVE. - John Hewitt, no address given: Good afternoon Council, John Hewitt here on behalf of Big Red Keno and also Risky's. He couldn't make it, he's trying to hire help. I'm just here to answer any questions if you have any. Thank you.

This matter was taken under advisement.

APPROVING OR DENYING A REQUESTED TRANSFER OF THE CABLE TELEVISION FRANCHISE FROM A SUBSIDIARY OF TIME WARNER INC. TO AOL TIME WARNER INC. - CITY CLERK: I do believe we have a request from our Law Dept. that we do have before us two substitute resolutions, one for approval and one for denial. And, the recommendation is that we have a motion to substitute these two Resolutions and continue Public Hearing until next week, Monday, July 17th.

Ms. Johnson: So move.

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

This matter was taken under advisement.

#### MISCELLANEOUS HEARING

SPECIAL PERMIT NO. 1165A - TO SHOW CAUSE WHY SAID SPECIAL PERMIT SHOULD NOT BE REVOKED FOR FAILURE TO COMPLY WITH THE CONDITIONS OF THE SPECIAL PERMIT (1301 "H") - Mark Hunzeker, 530 S. 13th St., Suite B: I'm appearing on behalf of Mark Becker the owner of Capital Park Office Building. I'm here to request that you reconsider the resolution that you passed a week ago finding that Billy's Restaurant Special Permit is in compliance. The day of your actions vehicles were parked perpendicular to their, excuse parallel to the east line of the parking lot that is the subject of that action that was before you in a manner that is consistent with the stripping of the parking lot which was supposedly changed. Then on the first business day after you took that action cars were parked perpendicular to the entrance to that parking lot in violation of the permit as well. Billy's permit requires that at least four legal parking stalls be available to Billy's on the parking lot east of their building. That parking lot is zoned O-1 and O-1 does not permit parking lots as a permitted use. So, when that parking lot became no longer accessory to the office park, or to the Capital Park Office Building it became an illegal use. In order to legalize that use there are some methods to do that one of which is to revise the Billy's Special Permit. And, I believe that in a nut shell tells you why the City Attorney's Office was recommending to you to pass a resolution finding it not in conformance with the permit. So, we would ask that you reconsider that action and take it up, either, I mean you have the ability to do it today, but obviously ordinarily you would do that next week. Rick Peo is here if you have questions of him. I'm not trying to put words in his mouth, but I think it's clear that there needs to be modification of that permit in order for those parking stalls to be legal parking stalls and for Billy's to be in compliance with their permit. I'll try to answer any questions you have.

Ms. Johnson: Rick, can you just speak on this?

Rich Peo, Law Dept.: I think what we have here is an unusual situation is that we've got two property owners that each have their own buildings and there's a parking lot between the two of them. And, that parking lot is likewise under split ownership. Mr. Becker owns a very small portion of it which is really just a strip of width for parking stalls. Mr. Lineweber owns the remaining portion of the parking lot which also includes the curbcut and driving aisle to access the parking stalls within both portions of that parking lot. Because of a dispute between the property owners, Mr. Lineweber has been taking efforts to try to block Mr. Becker's access into his parking stalls. And, we tried to inform Mr. Lineweber that our interpretation of the Special Permit a the curbcut application and building permit for the parking lot as a unit precluded him from taking self-help, so to speak, to control his portion of the property. That if he wants to change the structure of the parking to prevent Mr. Becker from having access to his portion of the stalls on his side of the parking lot that needs to be done by official action of the City either through some type of amendment to the Special Permit, a change of the curbcut application, the permit that was granted, but some type of official action needs to be taken. Mr. Lineweber has indicated that he was willing to abide by the terms of the Special Permit, his understanding being just to do the re-striping and have a physical parking lot, both because of his own private property rights he thought he could still park where he wanted. It's our position that he can't. I mean it's not just to stripe it correctly, but don't follow the striping I think we're talking about the parking lot needs to be operated as it was designed and in the interim until things are officially changed the driving aisle needs to serve both peoples property. As I said, it was a single curbcut approved at one time as a unified parking lot. That needs to continue until there are official changes taken. That was the purpose of the Resolution was drafted by the City Attorneys' Office was to just advise Mr. Lineweber that the status quo needs to be maintained until you do something official. And, unfortunately I dealt with Mr. Lineweber's attorney the Friday before the Resolution was introduced, given to you. I think Mr. Lineweber was gone that particular day. His attorney has been gone for the last two weeks, so I haven't been able to actually have communication directly between Mr. Lineweber's attorney and myself to just clarify what we're really trying to do as to maintain the status quo. And, so I think it would be appropriate to reconsider you motion, maybe hold it over for next week and so we can determine how to proceed. There was some communications that Mr. Lineweber was willing to maintain the status quo, but as I said there's confusion as to whether or not that means just formal changes to the design of the parking lot, but not actually his understanding of what limitations he has on his own property rights. So, technically he was in compliance for one particular small period of time when they agreed to re-strip the parking lot and take down what was then a barricade of a chain. We just feel that that can't be a new barricade of cars is appropriate and the intent was to advise Mr. Lineweber that we took the Special Permit serious and that the agreement to maintain the status quo was just that. He would main the status quo allowing both people to access the parking lot until formal changes were done, therefore compliance had to be continuing or it would be basis for revocation of his Special Permit.

Mr. Cook: We didn't actually vote up or down on this Resolution we voted on the separate motion and so how we would we vote to reconsider the Resolution?

Mr. Peo: That is correct. Well, I think you would still be, I think technically you would be moving to reconsider your motion and to reconsider or to act upon the Resolution itself.

Mr. Cook: The Resolution could be introduced anytime in the future as a separate item and we could vote on it?

Mr. Peo: I think if we don't move to reconsider you motion from last week that you passed and put this back on, in order to reconsider the idea again we would have to hold a separate show cause hearing for a violation that might have occurred since the time that we found in compliance, so we would actually have to reschedule it, notify the parties of the Public Hearing and have another hearing on the matter. So, if you do move to reconsider today then that prior Resolution is still before you and you can still act upon it.

Mr. Cook: I mean, it sounds like there's some misunderstanding as to exactly what the Special Permit required of Mr. Lineweber. I asked Dana Roper on Monday, last week about what does a Special Permit require as far as can Mr. Lineweber block the parking lot, I don't think that we had an answer at that time and I didn't really think about it during the

week, as far as I knew things had been settled. Then I got a call from Mr. Becker on Thursday or Friday and he asked some questions and which I didn't have any answers to and so I spoke with you and I was not aware that, of the issue of the parking lot and it's connection to the office building as opposed to just Billy's. And, once I understood that it made some difference. I know Mr. Lineweber's attorney's out-of-town, he's out-of-town right now, as I understand it and I talked to someone who's been working with him on this to let them know what you had said about what the Special Permit required. I know that his attorney has written us a letter already saying they plan to come in with a change to the Special Permit and I guess that I feel that there's been a misunderstanding about what the Special Permit required and now that that information has been communicated at least to someone working with Mr. Lineweber that he was going to discuss that with Mr. Lineweber, that hopefully, this won't reoccur that this is now, again, a remedy. The striping's been redone. We now have an understanding that he can't block the parking lot and we also have a letter saying he'll come in for a new Special Permit. So, I guess I'm uncomfortable going back on this.

Mr. Peo: The only one I would disagree would be I don't think we have an understanding that he can't block the parking. I think he understood that he had to take down the chain link that he put along there as their understanding that that was a fence which was inappropriately put there without a change in Special Permit, but he could still park parallel to the street to block people from accessing into the parking lot or blocking the access to the parking by parking behind those parking spaces. So, I think we want to, by keeping this open, we would at least allow an opportunity to contact Mr. Lineweber and explain that that's the City's position, likewise. That maybe it wasn't drafted broad enough at the time I introduced the Resolution ...

Mr. Cook: 'Cause that Resolution did not speak to blocking the lot, it spoke to the steel cable, right?

Mr. Peo: Right.

Mr. Cook: Right. And if it had spoken to the blocking the lot maybe he would have had notice of that in that Resolution. If we had passed that Resolution he would not have understood the blocking lot necessarily was in violation until he was informed of that late last week.

Coleen Seng, Council Member: I think it would be fine to reconsider this in light of the fact that when we voted last week we had a letter from you saying that everything was in order, and obviously it was not. According to the pictures it was not in order. So, we really need to have this straightened out. So, that's fine if we hold it over until everybody gets back and addresses it. So I would just as soon that we did not say that it had to be done next week if we can reconsider and give some time here for everybody to get back from vacation or wherever they are. Can we do that?

Mr. Peo: I think if you do your action to reconsider, at that point you can take action next week or not take action next week that's your decision.

Annette McRoy, Council Member: I was going to say the same thing that we should reconsider this. It seems like the last two weeks that we've had this on our agenda he's gone back out and did something ridiculous. You don't have any specific written ordinance to understand that you can't block the four parking stalls that belong to the other Office Park. And, I think it's ridiculous this is even before us. Now, it's becoming annoying to me so I'd rather reconsider it because it doesn't make since, that, you know, there's one curbcut and there's four stall (inaudible) and they're acting like children and it's been a waste of our time. I'd like to reconsider it so we can take final action on it.

Ms. McRoy: I move that we reconsider last weeks motion.

Mr. Cook: Well, I'll support reconsideration at the understanding that there will be the communication between Mr. Lineweber and his attorney as Councilwoman Seng mentioned. I think that that's appropriate.

Mr. Peo: I'll personally try to make contact with his attorney this week.

Ms. Seng: Will you be sure and be here next week, too, then?

Mr. Peo: Yes.

Ms. Seng: OK.

Mr. Fortenberry: I probably shouldn't say this, Annette, I'm annoyed by this too, how many hours have you spent on this legal staff please? Have you spent, how many hours have you spent on this? I mean this is about the smallest thing that's come before us since I've been on the City Council and taken the most time. I mean let's just get on with this.

Mr. Peo: Well, it has taken a lot of hours. Part of it is that the

record is deficient in certain areas. You get part of the picture when you look at this application of the Special Permit. You see a bigger portion of the picture when you find the Building Permit for the parking lot and the curbcut application. So, there were at times portion of the parking lot were not shown on application. You didn't realize it was actually there until you see the next application or the full picture so it just took a period of time to sort things through looking at a, something that was built in 1986 and locating all the records and people, new owners so they didn't know what to look for at the time maybe when they initially came in, but yeah it's a headache.

Mr. Cook: One last thing, if we had passed the resolution last week because it did not clearly state that these other actions that he has taken were, are violations it's not clear to me whether or not that would have led to revocation of the Special Permit or if we would have still had to be back here discussing it. I guess I just want to make sure that we all make it clear now.

Mr. Peo: I think the Resolution maybe could have been slightly drafted better. I think we did talk about no obstructions and maintain the status quo. I thought that was broad enough, obviously, I think we just need to really spell out all the little details and I know what we're dealing with.

Mr. Cook: Yes, OK. Thank you.

Mr. Shoecraft: OK, call for the vote.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

This matter was taken under advisement.

#### ORDINANCES - 3RD READING

AMENDING SEC. 2.76.160 OF THE LMC TO PROVIDE THAT THE DIRECTOR OF PERSONNEL, WITH THE MAYOR'S APPROVAL, MAY GRANT EMPLOYEES IN PAY RANGES PREFIXED BY "E" OR "M" PERMANENT SALARY INCREASES WITHIN THE EMPLOYEE'S PAY RANGE OTHER THAN ON AN EMPLOYEE'S NORMAL ELIGIBILITY DATE WHEN THE EMPLOYEE'S DEPT. HEAD PRESENTS WRITTEN EVIDENCE OF UNUSUAL CIRCUMSTANCES - CLERK read an ordinance, introduced by Jeff Fortenberry, amending Sec. 2.76.160 of the LMC to provide that the Director of Personnel, with the Mayor's approval, may grant employees in pay ranges prefixed by "E" or "M" permanent salary increases within the employer's pay range other than on an employee's normal eligibility date when the employee's department head presents written evidence of unusual circumstances; & repealing Sec. 2.76.160 of the LMC as hitherto existing, the third time.

FORTENBERRY Moved to pass ordinance as read.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Johnson, McRoy, Seng, Shoecraft; NAYS: Fortenberry.

The ordinance, being numbered **#17691**, is recorded in Ordinance Book 24, Page

RENAMING ASHBROOK CIR. AS "ASHBROOK DR." IN THE STEVENS RIDGE 1ST ADD. GENERALLY LOCATED AT STEVENS RIDGE RD. & ASHBROOK CIR. - CLERK read an ordinance, introduced by Jeff Fortenberry, changing the name of Ashbrook Cir. to Ashbrook Dr. located south from Stevens Creek Rd. in Stevens Ridge 1st Add., as recommended by the St. Name Committee, the third time.

FORTENBERRY Moved to pass ordinance as read.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

The ordinance, being numbered **#17692**, is recorded in Ordinance Book 24, Page

VACATING A PORTION OF THE S. 11TH ST. ADJACENT TO LOT 2, VAN BOSKIRK ADD., GENERALLY LOCATED AT 11TH & B STS. - CLERK read an ordinance, introduced by Jeff Fortenberry, vacating a portion of the South 11th St. right-of-way, & retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the third time.

FORTENBERRY Moved to pass ordinance as read.

Seconded by Seng & carried by the following vote: AYES: None; NAYS: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft.

The ordinance, having **LOST**, was assigned File **#38-4339**, & was placed on file in the Office of the City Clerk.

VACATING A PORTION OF N. 18TH ST. BETWEEN Q & R STS. - CLERK read an ordinance, introduced by Jeff Fortenberry, vacating a portion of N. 18th St. between Q & R Sts., & retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the third time.

FORTENBERRY Moved to pass ordinance as read.

Seconded by Johnson & carried by the following vote: AYES: Camp,

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Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.  
The ordinance, being numbered **#17693**, is recorded in Ordinance Book 24, Page

VACATING A PORTION OF "E" ST. FROM THE WEST RIGHT-OF-WAY LINE OF S. 27TH ST. TO A LINE 145' WEST THEREOF - CLERK read an ordinance, introduced by Jeff Fortenberry, vacating a portion of "E" St. west from 27th St., & retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the third time.

FORTENBERRY Moved to pass ordinance as read.

Seconded by Seng & carried by the following vote: AYES: None; NAYS: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft.  
The ordinance, having **LOST**, was assigned File **#38-4340**, & was placed on file in the Office of the City Clerk.

CHANGE OF ZONE 3261 - APP. OF THE PARKS & RECREATION DEPT. FOR A CHANGE FROM R-3 RESIDENTIAL TO P PUBLIC USE ON PROPERTY GENERALLY LOCATED AT N. 14TH & SUPERIOR STS. - CLERK, introduced by Jeff Fortenberry, amending the Lincoln Zoning Dist. Maps attached to & made a part of Title 27 of the LMC, as provided by Sec. 27.05.020 of the LMC, by changing the boundaries of the districts established & shown thereon, the third time.

FORTENBERRY Moved to pass ordinance as read.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.  
The ordinance, being numbered **#17694**, is recorded in Ordinance Book 24, Page

CHANGE OF ZONE 3262 - APP. OF THE PARKS & RECREATION DEPT. FOR A CHANGE FROM R-1 RESIDENTIAL TO P PUBLIC USE ON PROPERTY GENERALLY LOCATED ½ MILE NORTH OF PINE LAKE RD. & WEST OF S. 14TH ST. - CLERK read an ordinance, introduced by Jeff Fortenberry, amending the Lincoln Zoning Dist. Maps attached to & made a part of Title 27 of the LMC, as provided by Sec. 27.05.020 of the LMC, by changing the boundaries of the districts established & shown thereon, the third time.

FORTENBERRY Moved to pass ordinance as read.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.  
The ordinance, being numbered **#17695**, is recorded in Ordinance Book 24, Page

AMENDING SEC. 26.11.010 OF THE LMC TO ALLOW SURPLUS PROPERTY TO BE CONVEYED TO THE ABUTTING PROPERTY OWNER WITHOUT BEING REQUIRED TO COMPLY WITH THE OTHERWISE APPLICABLE REQUIREMENTS OF THE SUBDIVISION ORDINANCE - CLERK read an ordinance, introduced by Jeff Fortenberry, amending Sec. 26.11.010 of the LMC to allow surplus property to be conveyed to the abutting property owner without being required to comply with the otherwise applicable requirements of the Subdivision Ordinance; & repealing Sec. 26.11.020 of the LMC as hitherto existing, the third time.

FORTENBERRY Moved to pass ordinance as read.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.  
The ordinance, being numbered **#17696**, is recorded in Ordinance Book 24, Page

APPROVING A LEASE OF SPACE FOR THE CITY OF LINCOLN AT 620 N. 48TH ST. FOR A TERM OF SEPT. 1, 2000 THROUGH AUG. 31, 2005 - PRIOR to reading:

CAMP Moved to delay action of Bill 00-125 for one week to 7/17/00.  
Seconded by Fortenberry & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

CLERK Read an ordinance, introduced by Jeff Fortenberry, accepting & approving a Lease Agreement between The 3 Amigos Properties, L.L.C. & the City of Lincoln for a lease of space at 620 N. 48th St., Lincoln, Lancaster county, Nebraska for a term of Sept. 1, 2000 through Aug. 31, 2005 for use by the Lincoln Police Dept., the third time.

**PETITIONS & COMMUNICATIONS**

LINCOLN WATER & WASTEWATER SYSTEM RECAPITULATION OF DAILY DASH RECEIPTS THE MONTH OF JUNE, 2000 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(8-71)**

REPORT OF UNL MICROBIOLOGIST FOR WATER TESTING FOR THE MONTH OF JUNE, 2000 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(35-01)**



FORMAL PETITION FOR ALLEY RE-PAVING DISTRICT 047 AS SPECIFIED IN ORD. NO. 17686 AT 14<sup>TH</sup> ST. TO CENTENNIAL MALL & P TO Q STREETS, (EAST/WEST ALLEY) SIGNED BY CDJ JOHNSON FAMILY LTD PARTNERSHIP, C. DEAN JOHNSON, PRESIDENT AND JANICE M. MOORE - CLERK presented said petition which was referred to the Law Dept.

INFORMAL PETITION FOR WATER AND PAVING AT NORTH 36<sup>TH</sup> STREET/GLADSTONE STREET ASSESSMENT DIST. REQUESTED BY AYARS & AYARS - CLERK presented said petition which was referred to the Public Works Dept.

**THE FOLLOWING WERE REFERRED TO PLANNING DEPT.:**

Change of Zone 3238 - App. of Robert Beck, Kit Dimon, Diane Oldfather, Zane & Ethel Fairchild, Alan & Jacqueline Embury, Vincent & Janice Goracke, & Herbert & Barbara Griess for a change from AGR to R-3 at property located at Lots 52IT, 55IT, & 71 IT & a portion of Lots 54IT, 57It & 139IT, all located in the NE 1/4 of Sec. 16, T9N, R7E.

Change of Zone 3239 - App. of Robert Beck, Kit Dimon, Diane Oldfather, Zane & Ethel Fairchild, Alan & Jacqueline Embury, Vincent & Janice Goracke, & Herbert & Barbara Griess for a change from R-1 to R-3 a portion of Lots 54IT, 57It & 139IT all located in the NE 14 of Sec. 16, T9N, R7E.

Change of Zone 3267 - App. of Gardens Complex LLC from H-2 to O-2 on property at 4401 & 4435 O Street.

Change of Zone 3270 - App. of Planning Director to change from P to I-1 at 6<sup>th</sup> & G Street.

Change of Zone 3271 - App. of Planning Director to change L M1 C Sec. 27.67 to expand the regulation of unregistered, non-operating, wrecked, junked, partially dismantled vehicles to include all of the area within the zoning jurisdiction of the City.

Change of Zone 3273 - App. of South Ridge Valley LLC & R. C. Krueger Development Inc. from R-3 to O-3 at S. 27<sup>th</sup> & Pine Lake Road.

Use Permit No. 100A - App. of South Ridge Village LLC to revise the boundary of previously approved Use permit no. 100 to reflect actual property lines & zoning lines at SE corner, S. 27<sup>th</sup> & Pine Lake Rd..

Special Permit 1553A - App. of Elliot Megdal & Assoc. & Jacob North to add a sidewalk café at 633 N. 48<sup>th</sup> St.

Special Permit 1629B - App. of DuTeau Investment Co. to add one additional 32 sq. ft., 20' high illuminated pole sign at S. 27<sup>th</sup> Street & Porter Ridge Rd..

Special Permit 1629C - App. of South Ridge Village LLC/R.C. Krueger Dev. Inc. to revise the boundary of previously approved Sp. Permit No. 1629 to reflect actual property lines & zoning lines at S. 27<sup>th</sup> & Pine Lake Rd.

Special Permit 1858 - App. of Research & Development Corp. to reduce 20' rear yard requirement to 14' for dwelling units at 311 N. 8<sup>th</sup> St.

Special Permit 1859 - App. of St. Teresa's Church to expand existing church buildings in excess of the maximum permitted lot coverage at 3515 Laura Ave.

**REPORTS TO CITY OFFICERS**

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED ON JUNE 26, 2000 - CLERK presented said report which was placed on file in the Office of the City Clerk.

INVESTMENT OF FUNDS - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-80270 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the attached list of investments be confirmed & approved, & the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council. (Investments beginning 06/30/00)

Introduced by Annette McRoy

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

REPORT OF CITY TREASURER OF TELECOMMUNICATIONS OCCUPATION TAX DUE FOR THE MONTH OF MAY 2000: GLOBAL CROSSING, NEBRASKA TECHNOLOGY, WORKING ASSETS, COAST INT'L, EXCEL, IBM GLOBAL, BROADWING, MCI, LINCOLN CELTELCO, ALIANT - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

2000/2001 MAYOR'S RECOMMENDED ANNUAL OPERATING BUDGET & CAPITAL IMPROVEMENT

PROGRAM FY 2000-2006 & THE ONE & SIX YEAR STREETS & HIGHWAYS PROGRAM - CLERK presented said report which was placed on file in the Office of the City Clerk.

JOHNSON Moved to approve Public Hearing for Mon., Aug. 7, 2000 @ 6:30 p.m.  
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

#### OTHER RESOLUTIONS

APP. OF LANCE BROWN DBA STUDIO 14 FOR A CLASS I LIQUOR LICENSE AT 1415 "O" ST. - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80263 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Lance Brown dba "Studio 14" for a Class "I" liquor license at 1415 "O" Street, Lincoln, Nebraska, for the license period ending April 30, 2001, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

MAN. APP. OF KRISTEN K. WORNER FOR SYDRAN FOOD SERVICES III L.P. DBA CHILI'S SOUTHWEST GRILL AT 6730 S. 27TH ST. - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80264 WHEREAS, Sydran Food Services III L.P. dba "Chili's Southwest Grill" located at 6730 South 27th Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Kristen K. Worner be named manager;

WHEREAS, Kristen K. Worner appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Kristen K. Worner be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

AUTHORIZING A REQUEST BY THE CITY FOR AN EXCEPTION TO THE STATE REQUIREMENT OF MINIMUM LANE WIDTH IN E. "O" ST., 52ND ST. TO WEDGEWOOD DR. - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-80265 WHEREAS, the State of Nebraska, Board of Public Roads Classifications and Standards has established a minimum lane width of 11.81 feet for New and Reconstructed Municipal State Highways; and

WHEREAS, the eleven feet wide lanes proposed for "O" Street, 52<sup>nd</sup> Street to Wedgewood Drive does not meet such minimum design standard for lane widths of Municipal State Highways; and

WHEREAS, the City of Lincoln desires to request a relaxation of the Standards by the Board of Public Roads Classifications and Standards so as to not substantially affect adjacent properties through the proposed reconstruction of this project; and

WHEREAS, the City of Lincoln believes that the granting of such an exception will not impair the safety of traffic within the project limits;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

Pursuant to Neb. Rev. Stat. § 39-2113(5) (Reissue 1998), the city of Lincoln does hereby request that the Board of Public Roads Classifications and Standards grant an exception to the above-described minimum design lane width for Project EACNH-34-6(124), "O" Street from 52<sup>nd</sup> Street to Wedgewood Drive.

BE IT FURTHER RESOLVED that the Director of the Department of Public Works and Utilities is hereby authorized and directed to forward a copy of this resolution to the Board of Public Roads Classifications and Standards

as a part of the City of Lincoln's request for the design exception.

Introduced by Annette McRoy

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APPROVING THE FISCAL YEAR 2000 ACTION PLAN: ONE YEAR USE OF FUNDS FOR CONSOLIDATED PLAN FOR HUD ENTITLEMENT PROGRAMS - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-80266 WHEREAS, the City of Lincoln, Nebraska, acting by and through the Mayor as the Chief Executive Officer and the City Council as the Legislative body of this City, with full citizen participation with reference thereto and in full compliance with the U.S. Department of Housing and Urban Development requirements, has prepared the City of Lincoln FY 2000 Action Plan: One Year Use of Funds for HUD Entitlement Program under the provisions of 24 C.F.R., Part 91, et al.; and

WHEREAS, such plan includes the proposed community development activities and community development objectives, all prepared in full compliance with the requirements, instructions, and recommendations contained in the Community Development Block Grant Regulations, HOME Investment Partnerships Act Regulations, and Emergency Shelter Grant Program Regulations; and

WHEREAS, such plan and the items contained therein and each of them appear to be in the best interest of the City of Lincoln, Nebraska; and

WHEREAS, certain assurances must be incorporated into the City of Lincoln's FY 2000 Action Plan, as prescribed in the Community Development Block Grant Regulations, HOME Investment Partnerships Act Regulations, and Emergency Shelter Grant Regulations and 24 C.F.R., Part 91.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the FY 2000 Action Plan, a copy of which is attached hereto, is consistent with the Comprehensive Plan and the Mayor is authorized to submit the FY 2000 Action Plan to the Department of Housing and Urban Development for total grants for Fiscal Year 2000 in the amount of \$3,298,000 (\$2,162,000 CDBG; \$1,059,000 HOME; and \$77,000 Emergency Shelter Grant) under the provisions of Title I of the Housing and Community Development Act of 1974, as amended, Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990, as amended, Title IV of Subtitle B of the Stewart B. McKinney Homeless Assistance Act of 1988, as amended, and each and every item included therein is hereby approved. The Mayor and other City officials charged with responsibilities pertinent to the proposed certifications are hereby authorized to execute said certifications for and on behalf of the City of Lincoln, Nebraska, and the Mayor is hereby authorized and directed to execute said statement for and on behalf of the City of Lincoln, Nebraska, to submit same to the Secretary of Housing and Urban Development, or his designate, in the form and substance as required by the Community Development Block Grant Regulations, HOME Investment Partnerships Act Regulations, and Emergency Shelter Grant Regulations, and to supplement such Action Plan in any way reasonably required by the Department of Housing and Urban Development to expedite approval of the same.

BE IT FURTHER RESOLVED that the City of Lincoln, Nebraska, hereby assures and certifies that it will comply with the regulations, policies, guidelines, and requirements of Federal Management Circulars 74-4 and 74-7 and OMB Circular A-87 and 24 Code of Federal Regulations, Part 85, as they relate to the Action Plan, acceptance and use of Federal funds for the City's federally-assisted programs.

BE IT FURTHER RESOLVED that the City of Lincoln, Nebraska hereby assures and certifies with respect to the FY 2000 Action Plan that:

1. The City will affirmatively further fair house.
2. The City has in effect and is following a residential anti-displacement and relocation assistance plan.
3. The City will continue to provide a drug-free workplace by:
  - a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
  - b. Establishing an ongoing drug-free awareness program to inform employees about -
    - i. The dangers of drug abuse in the workplace;
    - ii. The grantee's policy of maintaining a drug-free work-place;
    - iii. Any available drug counseling, rehabilitation, and employee assistance programs; and

- iv. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
  - c. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by subparagraph (1);
  - d. Notifying the employee in the statement required by subparagraph (a) that, as a condition of employment under the grant, the employee will:
    - i. Abide by the terms of the statement; and
    - ii. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
  - e. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph d.ii. from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designed on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
  - f. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph d.ii., with respect to any employee who is so convicted -
    - i. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
    - ii. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency;
  - g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of subparagraphs a, b, c, d, e, and f.
4. The City will comply with restrictions on lobbying required by 24 CFR part 87, together with disclosure forms if required by that part. The City further certifies that to the best of the City's knowledge and belief:
- a. No federal appropriated funds have been paid or will be paid, by or on behalf of the City, to any person for influencing or attempting to influence any officer or employee of an agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement;
  - b. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and
  - c. The City will require that the language of paragraph 4 of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.
5. The City possesses legal authority under state and local law to make a grant submission and to carry out the proposed community development and housing program for which it is seeking funding in accordance with applicable HUD regulations. By passage of this resolution, the Mayor, as the official representative of the City of Lincoln is hereby authorized to submit the Action Plan, including all the understandings and assurances contained therein. Further the Mayor is hereby directed and authorized to act in connection with the submission of the Action Plan and to provide such additional information as may be required.
6. The housing activities to be undertaken with CDBG, HOME, and

ESG funds are consistent with the City's strategic plan.

7. The City will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, as required under 24 C.F.R. § 570.606(b) and Federal implementing regulations; and the requirements in 24 C.F.R. § 570.606(c) governing the residential antidisplacement and relocation assistance plan under Section 104(d) of the Act (including a certification that the grantee is following such a plan); and the relocation requirements of 24 C.F.R. § 570.606(d) governing optional relocation assistance under Section 105(a)(11) of the Act.

8. The City will comply with Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701a) and implementing regulations at 24 CFR Part 135.

BE IT FURTHER RESOLVED that the City of Lincoln hereby assures and certifies with respect to the Community Development Block Grant program portion of the FY 2000 Action Plan that:

1. The City is in full compliance and following a detailed citizen participation plan that satisfies the requirement of 24 CFR § 91.105 and which:

a. Provides for and encourages citizen participation, with particular emphasis on participation by persons of low and moderate income who are residents of slum and blighted areas and of areas in which funds are proposed to be used, and provides for participation of residents in low and moderate income neighborhoods as defined by the City;

b. Provides citizens with reasonable and timely access to local meetings, information, and records relating to the City's proposed use of funds, as required by the regulations of the Secretary, and relating to the actual use of funds under the Act;

c. Provides for technical assistance to groups representative of persons of low and moderate income that request such assistance in developing proposals with the level and type of assistance to be determined by the grantee;

d. Provides for public hearings to obtain citizen views and to respond to proposals and questions at all stages of the community development program, including at least the development of needs, the review of proposed activities, and review of program performance, which hearings shall be held after adequate notice, at times and locations convenient to potential or actual beneficiaries, and with accommodation for the handicapped;

e. Provides for a timely written answer to written complaints and grievances, within 15 working days where practicable; and

f. Identifies how the needs of non-English speaking residents will be met in the case of public hearings where a significant number of non-English speaking residents can be reasonably expected to participate;

2. The City's consolidated housing and community development plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that have been in accordance with the primary objective of the statute authorizing the CDBG Program, as described in 24 CFR 570.2 and the requirements of 24 CFR Part 91 Subpart C and 24 CFR Part 570.

3. The City is following a current HUD approved consolidated plan.

4. The City has developed its final statement of projected use of funds so as to give maximum feasible priority to activities which benefit low and moderate income families or aid in the prevention or elimination of slums or blight; (the final statement of projected use of funds may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available); except that the aggregate use of CDBG funds received under Section 106 of the Act and, if applicable, under Section 108 of the Act, during program year 2000 shall principally benefit persons of low and moderate income in a manner that ensures that not less than 70 percent of such funds are used for activities that benefit such persons during such period.

The City will not attempt to recover any capital costs of public improvements assisted in whole or in part with funds provided under Section 106 of the Act or with amounts resulting from a guarantee under Section 108 of the Act by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless:

a. Funds received under Section 106 of the Act are used to pay the proportion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than under Title I of the Act; or

b. For purposes of assessing any amount against properties owned and occupied by persons of moderate income, the City certifies to the Secretary that it lacks sufficient funds received under Section 106 of the Act to comply with the requirements of subparagraph (1) above.

5. The City has adopted and is enforcing:

a. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

b. A policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction.

6. The City will conduct and administer the grant in compliance with Title VI of the Civil Rights Act of 1964 (Public Law 88-352, 42 U.S.C. 2000d et seq.), the Fair Housing Act (42 U.S.C. 3601-19), and implementing regulations.

7. The City's notification, inspection, testing and abatement procedures concerning lead-based paint will comply with 24 C.F.R. § 570.608.

8. The City will comply with all applicable law.

BE IT FURTHER RESOLVED that the City of Lincoln hereby assures and certifies with respect to the Emergency Shelter Grant Program portion of the FY 2000 Action Plan that:

1. In the case of assistance involving major rehabilitation or conversion, the City will maintain any building for which assistance is used under the ESG program as a shelter for homeless individuals and families for not less than a 10-year period;

2. In the case of assistance involving rehabilitation less than that covered under paragraph (1), the City will maintain any building for which assistance is used under the ESG program as a shelter for homeless individuals and families for not less than a three-year period;

3. In the case of assistance involving essential services (including but not limited to employment, health, drug abuse, or education) or maintenance, operation, insurance, utilities and furnishings, the City will provide services or shelter to homeless individuals and families for the period during which the ESG assistance is provided, without regard to a particular site or structure as long as the same general population is served;

4. Any renovation carried out with ESG assistance shall be sufficient to ensure that the building involved is safe and sanitary;

5. The City will assist homeless individuals in obtaining appropriate supportive services, including permanent housing, medical and mental health treatment, counseling, supervision, and other services essential for achieving independent living, and other Federal, State, local, and private assistance available for such individuals;

6. The City will obtain matching amounts required under 24 C.F.R. §576.71 (redesignated to § 576.51);

7. The City will develop and implement procedures to ensure the confidentiality of records pertaining to any individual provided family violence prevention or treatment services under any project assisted under the ESG program, including protection against the release of the address or location of any family violence shelter project except with the written authorization of the person responsible for the operation of that shelter;

8. To the maximum extent practicable, the City will involve, through employment, volunteer services, or otherwise, homeless individuals and families in constructing, renovating, maintaining, and operating facilities assisted under this program, in providing services assisted under the program, and in providing services for occupants of facilities assisted under the program; and

9. The City is following a current HUD-approved consolidated plan.

BE IT FURTHER RESOLVED that the City of Lincoln hereby assumes and certifies with respect to the HOME program portion of the FY 2000 Action Plan that:

1. The tenant-based assistance is an essential element of its consolidated plan;

2. The City is using and will use HOME funds for eligible activities and costs, as described in §§ 92.205 through 92.209 of 24 C.F.R., Subtitle A, and that it is not using and will not use HOME funds for prohibited activities, as described in § 92.214 of 24 C.F.R. Subtitle

A;

3. The before committing funds to a project, the City will evaluate the project in accordance with guidelines that it adopts for this purpose and will not invest any more HOME funds in combination with other federal assistance than is necessary to provide affordable housing.

Introduced by Annette McRoy

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APPROVING THE CONSOLIDATED PLAN FOR FISCAL YEARS 2000-2003 FOR HUD ENTITLEMENT PROGRAMS - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-80267 WHEREAS, the City of Lincoln, Nebraska, acting by and through the Mayor as the Chief Executive Officer and the City Council as the Legislative body of this City, with full citizen participation with reference thereto and in full compliance with the U.S. Department of Housing and Urban Development requirements, has prepared the Consolidated Plan for FY 2000 - FY 2003 for HUD Entitlement Programs under the provisions of 24 C.F.R., Part 91, et al.; and

WHEREAS, such plan includes the proposed community development activities and community development objectives, all prepared in full compliance with the requirements, instructions, and recommendations contained in the Community Development Block Grant, Home Investment Partnership Act, and Emergency Shelter Grant Regulations; and

WHEREAS, pursuant to Article IV-B Section 6 of the Lincoln City Charter the Lincoln City-Lancaster County Planning Commission has reviewed the Consolidated Plan for FY 2000 - FY 2003 for conformity or nonconformity to the Comprehensive Plan; and

WHEREAS, the Planning Commission recommends that the Consolidated Plan for FY 2000 - FY 2003 be found to be in conformity to the Comprehensive Plan; and

WHEREAS, such plan and the items contained therein and each of them appear to be in the best interest of the City of Lincoln, Nebraska; and

WHEREAS, certain assurances must be incorporated into the City of Lincoln's Consolidated Plan for FY 2000 - FY 2003, as prescribed in the Community Development Block Grant, Home Investment Partnership Act, and Emergency Shelter Grant Regulations and 24 C.F.R., Part 91.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the aforesaid Consolidated Plan will be submitted to the Department of Housing and Urban Development in accordance with 24 C.F.R., Part 91 and in accordance with the instructions prescribed by HUD, and each and every item included therein is hereby approved. The Mayor and other City officials charged with responsibilities pertinent to the proposed certifications are hereby authorized to execute said certifications for and on behalf of the City of Lincoln, Nebraska, and the Mayor is hereby authorized and directed to execute said statement for and on behalf of the City of Lincoln, Nebraska, to submit same to the Secretary of Housing and Urban Development, or his designate, in the form and substance as required by the Community Development Block Grant, Home Investment Partnership Act, and Emergency Shelter Grant Regulations, and to supplement such Consolidated Plan in any way reasonably required by the Department of Housing and Urban Development to expedite approval of the same.

BE IT FURTHER RESOLVED that the City of Lincoln, Nebraska, hereby assures and certifies that it will comply with the regulations, policies, guidelines, and requirements of Federal Management Circulars 74-4 and 74-7 and OMB Circular A-87 and 24 Code of Federal Regulations, Part 85, as they relate to the Consolidated Plan, acceptance and use of federal funds for these federally-assisted programs.

BE IT FURTHER RESOLVED that the City of Lincoln, Nebraska, hereby assures and certifies with respect to the Consolidated Plan that:

1. It possesses legal authority to make a grant submission and to execute the proposed community development and housing program.

2. The City will affirmatively further fair house.

3. The City has in effect and is following a residential anti-displacement and relocation assistance plan.

4. The City will continue to provide a drug-free workplace required by 24 CFR Part 24, Subpart F by:

a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

b. Establishing an ongoing drug-free awareness program to inform employees about -

- i. The dangers of drug abuse in the workplace;
- ii. The grantee's policy of maintaining a drug-free work-place;
- iii. Any available drug counseling, rehabilitation, and employee assistance programs; and
- iv. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

c. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by subparagraph (1);

d. Notifying the employee in the statement required by subparagraph (a) that, as a condition of employment under the grant, the employee will:

- i. Abide by the terms of the statement; and
- ii. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

e. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph d.ii. from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designed on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

f. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph d.ii., with respect to any employee who is so convicted -

- i. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
- ii. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency;

g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of subparagraphs a, b, c, d, e, and f.

5. The City will comply with restrictions on lobbying required by 24 CFR part 87, together with disclosure forms if required by that part. The City further certifies that to the best of the City's knowledge and belief:

a. No federal appropriated funds have been paid or will be paid, by or on behalf of the City, to any person for influencing or attempting to influence any officer or employee of an agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement;

b. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and

c. The City will require that the language of paragraph 4 of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

6. The City possesses legal authority under state and local law to make a grant submission and to carry out the proposed community development and housing program for which it is seeking funding in accordance with applicable HUD regulations. By passage of this resolution, the Mayor, as the official representative of the City of



Lincoln is hereby authorized to submit the Consolidated Plan, including all the understandings and assurances contained therein. Further the Mayor is hereby directed and authorized to act in connection with the submission of the Consolidated Plan and to provide such additional information as may be required.

7. The housing activities to be undertaken with CDBG, HOME, and ESG funds are consistent with the City's strategic plan.

8. The City will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, as required under 24 C.F.R. § 570.606(b) and Federal implementing regulations; and the requirements in 24 C.F.R. § 570.606(c) governing the residential antidisplacement and relocation assistance plan under Section 104(d) of the Act (including a certification that the grantee is following such a plan); and the relocation requirements of 24 C.F.R. § 570.606(d) governing optional relocation assistance under Section 105(a)(11) of the Act.

9. The City will comply with Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701a) and implementing regulations at 24 CFR Part 135.

BE IT FURTHER RESOLVED that the City of Lincoln hereby assures and certifies with respect to the Community Development Block Grant program portion of the Consolidated Plan:

1. The City is in full compliance and following a detailed citizen participation plan that satisfies the requirement of 24 CFR § 91.105 and which:

a. Provides for and encourages citizen participation, with particular emphasis on participation by persons of low and moderate income who are residents of slum and blighted areas and of areas in which funds are proposed to be used, and provides for participation of residents in low and moderate income neighborhoods as defined by the City;

b. Provides citizens with reasonable and timely access to local meetings, information, and records relating to the City's proposed use of funds, as required by the regulations of the Secretary, and relating to the actual use of funds under the Act;

c. Provides for technical assistance to groups representative of persons of low and moderate income that request such assistance in developing proposals with the level and type of assistance to be determined by the grantee;

d. Provides for public hearings to obtain citizen views and to respond to proposals and questions at all stages of the community development program, including at least the development of needs, the review of proposed activities, and review of program performance, which hearings shall be held after adequate notice, at times and locations convenient to potential or actual beneficiaries, and with accommodation for the handicapped;

e. Provides for a timely written answer to written complaints and grievances, within 15 working days where practicable; and

f. Identifies how the needs of non-English speaking residents will be met in the case of public hearings where a significant number of non-English speaking residents can be reasonably expected to participate;

2. The City's consolidated housing and community development plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that have been in accordance with the primary objective of the statute authorizing the CDBG Program, as described in 24 CFR 570.2 and the requirements of 24 CFR Part 91 Subpart C and 24 CFR Part 570.

3. The City is following a current HUD approved consolidated plan.

4. The City has developed its final statement of projected use of funds so as to give maximum feasible priority to activities which benefit low and moderate income families or aid in the prevention or elimination of slums or blight; (the final statement of projected use of funds may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available); except that the aggregate use of CDBG funds received under Section 106 of the Act and, if applicable, under Section 108 of the Act, during program years 2000, 2001, 2002, and 2003 shall principally benefit persons of low and moderate income in a manner that ensures that not less than 70 percent of such funds are used for activities that benefit such persons during such period.

The City will not attempt to recover any capital costs of public

improvements assisted in whole or in part with funds provided under Section 106 of the Act or with amounts resulting from a guarantee under Section 108 of the Act by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless:

a. Funds received under Section 106 of the Act are used to pay the proportion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than under Title I of the Act; or

b. For purposes of assessing any amount against properties owned and occupied by persons of moderate income, the City certifies to the Secretary that it lacks sufficient funds received under Section 106 of the Act to comply with the requirements of subparagraph (1) above.

5. The City has adopted and is enforcing:

a. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

b. A policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction.

6. The City will conduct and administer the grant in compliance with Title VI of the Civil Rights Act of 1964 (Public Law 88-352, 42 U.S.C. 2000d et seq.), the Fair Housing Act (42 U.S.C. 3601-19), and implementing regulations.

7. The City's notification, inspection, testing and abatement procedures concerning lead-based paint will comply with 24 C.F.R. § 570.608.

8. The City will comply with all applicable law.

BE IT FURTHER RESOLVED that the City of Lincoln hereby assures and certifies with respect to the Emergency Shelter Grant Program portion of the Consolidated Plan that:

1. In the case of assistance involving major rehabilitation or conversion, the City will maintain any building for which assistance is used under the ESG program as a shelter for homeless individuals and families for not less than a 10-year period;

2. In the case of assistance involving rehabilitation less than that covered under paragraph (1), the City will maintain any building for which assistance is used under the ESG program as a shelter for homeless individuals and families for not less than a three-year period;

3. In the case of assistance involving essential services (including but not limited to employment, health, drug abuse, or education) or maintenance, operation, insurance, utilities and furnishings, the City will provide services or shelter to homeless individuals and families for the period during which the ESG assistance is provided, without regard to a particular site or structure as long as the same general population is served;

4. Any renovation carried out with ESG assistance shall be sufficient to ensure that the building involved is safe and sanitary;

5. The City will assist homeless individuals in obtaining appropriate supportive services, including permanent housing, medical and mental health treatment, counseling, supervision, and other services essential for achieving independent living, and other Federal, State, local, and private assistance available for such individuals;

6. The City will obtain matching amounts required under 24 C.F.R. §576.71 (redesignated to § 576.51);

7. The City will develop and implement procedures to ensure the confidentiality of records pertaining to any individual provided family violence prevention or treatment services under any project assisted under the ESG program, including protection against the release of the address or location of any family violence shelter project except with the written authorization of the person responsible for the operation of that shelter;

8. To the maximum extent practicable, the City will involve, through employment, volunteer services, or otherwise, homeless individuals and families in constructing, renovating, maintaining, and operating facilities assisted under this program, in providing services assisted under the program, and in providing services for occupants of facilities assisted under the program; and

9. The City is following a current HUD-approved consolidated plan.

BE IT FURTHER RESOLVED that the City of Lincoln hereby assumes and certifies with respect to the HOME program portion of the Consolidated Plan that:

1. The tenant-based assistance is an essential element of its consolidated plan;

2. The City is using and will use HOME funds for eligible activities and costs, as described in §§ 92.205 through 92.209 of 24 C.F.R., Subtitle A, and that it is not using and will not use HOME funds for prohibited activities, as described in § 92.214 of 24 C.F.R. Subtitle A;

3. The before committing funds to a project, the City will evaluate the project in accordance with guidelines that it adopts for this purpose and will not invest any more HOME funds in combination with other federal assistance than is necessary to provide affordable housing.

Introduced by Annette McRoy

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APPROVING AN AGREEMENT BETWEEN BIG RED KENO & RISKY'S SPORTS BAR & GRILL FOR THE OPERATION OF A KENO SATELLITE SITE AT 4680 LEIGHTON AVE. - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-80268 WHEREAS, the City of Lincoln and the County of Lancaster, Nebraska have entered into an Interlocal Agreement for the purposes of providing for joint City-County keno lottery; and

WHEREAS, the City has entered into a contract for the operation of keno type lottery with Lincoln's Big Red Keno, Ltd., a Nebraska limited partnership; and

WHEREAS, Section 5 of the Interlocal Agreement and Section 3(b) of the Keno contract grant the City the authority to approve all satellite locations within the corporate limits of Lincoln; and

WHEREAS, all requirements under the Interlocal Agreement and the Keno contract governing the establishment and location of keno satellite sites have been met.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that a keno satellite site is hereby authorized at the location of Risky's Sports Bar and Grill, 4680 Leighton Ave., Lincoln, NE 68504.

The City Clerk is directed to return an executed copy of this Resolution to Risky's Sports Bar and Grill, and a copy to Lincoln's Big Red Keno, Ltd.

Introduced by Annette McRoy

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APPROVING OR DENYING A REQUESTED TRANSFER OF THE CABLE TELEVISION FRANCHISE FROM A SUBSIDIARY OF TIME WARNER INC. TO AOL TIME WARNER INC. - PRIOR to reading:

JOHNSON Moved to accept a substitute Resolution for Bill #00R-140 and to continue Public Hearing to 7/17/00.

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

SETTING HEARING DATE OF MON., JULY 24, 2000 AT 1:30 P.M ON THE MAN. APP. OF TIMOTHY B. WEIXELMAN FOR HINKY DINKY LINCOLN #9 LLC DBA "SUM MART #738" AT 2145 S. 17<sup>TH</sup> ST. - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-80269 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., July 24, 2000, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the following Man. App. of Timothy B. Weixelman for Hinky Dinky Lincoln #9 LLC dba "sun Mart #738" at 2145 S. 17th St.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Annette McRoy

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

#### ORDINANCES - 1ST & 2ND READING

AMENDING CHAPTER 27.58 OF THE LINCOLN MUNICIPAL CODE TO CHANGE THE TITLE & REFERENCES TO "AIRPORT ENVIRONS NOISE DISTRICT", & AMEND THE REFERENCE FROM COMPREHENSIVE PLAN FIGURE 21 TO READ "AIRPORT ENVIRONS NOISE DISTRICT MAP" - CLERK read an ordinance, introduced by Annette McRoy, amending Chapter 27.58 of the Lincoln Municipal Code to change the title &

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references to "Airport Environs Noise District" & amend the reference from Comprehensive Plan Figure 21 to read "Airport Environs Noise District Map", the first time.

AMENDING SECS. 2.18.020 & 2.18.030 OF THE LMC TO INCREASE THE ALLOWED LIMIT FOR PURCHASE OF SUPPLIES & EQUIPMENT BY DEPARTMENTS WITHOUT UTILIZING THE PURCHASING DIV. & THE PROCESS PROVIDED THEREFOR FROM \$500 TO \$1,500 - CLERK read an ordinance, introduced by Cindy Johnson, amending Chapter 2.18 of the LMC by amending Secs. 2.18.020 & 2.18.030 of the LMC to increase the allowed limit for purchase of supplies & equipment by departments without utilizing the Purchasing Div. & the process provided therefore from \$500 to \$1,500; & repealing Secs. 2.18.020 & 2.18.030 of the LMC as hitherto existing, the second time.

#### MISCELLANEOUS BUSINESS

##### PENDING LIST -

CHANGE OF ZONE 3251 - AMENDING SECS. 27.58.010 & 27.58.020 OF THE LMC TO AMEND THE REFERENCE FROM "COMPREHENSIVE PLAN FIGURE 21" TO "OFFICIAL ZONING MAP OF THE CITY OF LINCOLN" - CLERK requested to remove Bill #00-99 from Pending and to Withdraw.

JOHNSON So moved.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

The ordinance, having been **WITHDRAWN**, was assigned File #38-4341, & placed on file in the Office of the City Clerk.

CAMP Moved to extend the Pending List for 1 week.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

##### RESOLUTION RECONSIDERED

SPECIAL PERMIT NO. 1165A - TO SHOW CAUSE WHY SAID SPECIAL PERMIT SHOULD NOT BE REVOKED FOR FAILURE TO COMPLY WITH THE CONDITIONS OF THE SPECIAL PERMIT (1301 "H") - MCROY moved to reconsider motion & to have action on 7/17/00.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

##### UPCOMING RESOLUTIONS

CAMP Moved to approve the resolutions to have Public Hearing on July 17, 2000.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

#### ADJOURNMENT

2:33 P.M.

CAMP Moved to adjourn the City Council Meeting of July 10, 2000.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

So ordered.

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Paul A. Malzer, Jr., City Clerk

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Judy Roscoe, Office Assistant III